

REMARKS

This amendment is in response to the Non-Final Office Action dated July 9, 2008 (the "Office Action"). Claims 1-14, 18-26, 29-33, 48 and 54-69 are pending in the application. Claims 15-17, 27-28, 34-47 and 49-53 have been cancelled without prejudice or disclaimer. Claims 1, 18, 23, 26, 31-33 and 48 have been amended. Claims 54-69 have been added. No new matter has been added.

Claims 1-14, 18-26, 29-33, 48 and 54-69 are Allowable

The Office has rejected claims 1-53, under 35 U.S.C. §103(a), as being unpatentable over U.S. Published Application No. 2004/0032946 ("Koser"), in view of U.S. Patent No. 6,760,413 ("Cannon"). Claims 15-17, 27-28, 34-47 and 49-53 have been cancelled without prejudice or disclaimer. Applicants respectfully traverse the remainder of the rejections.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 1. For example, the cited portions of the above-cited references fail to disclose or suggest determining whether a calling party selected ring tone is allowed and when the calling party selected ring tone is allowed, initiating delivery of the custom ring information to the called party, as in claim 1.

In contrast to claim 1, the cited portions of Koser describe a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring tone information that the FlexRing subscriber has associated with the calling party. *See* Koser, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *See* Koser, paragraph [0117]. Applicants respectfully submit that determining a ring tone that the called party has associated with the calling party is different from determining whether the calling party selected ring tone is allowed, as in claim 1. In Koser, the ring tone is not a calling party selected ring tone. Rather, in Koser, the ring tone associated with the calling party is selected by the called party. Further, in Koser, the called party allows a custom ring tone by associating the custom ring tone with the calling party. Because the ring tone in Koser is selected by the called party, there is no determination whether the ring tone is allowed. Therefore, the cited portions of Koser fail to disclose or suggest determining whether a calling party selected ring tone is allowed and when the calling party selected ring tone is allowed, initiating delivery of the custom ring information to the called party, as in claim 1.

In further contrast to claim 1, the cited portions of Cannon describe a telephone company central office providing call related information regarding the called party back to the calling party from the callee ID telephone using frequency shift keying (FSK). *See* Cannon, column 4, lines 18-21. The cited portions of Cannon fail to disclose or suggest determining whether a calling party selected ring tone is allowed and when the calling party selected ring tone is allowed, initiating delivery of the custom ring information to the called party, as in claim 1.

Therefore, the cited portions of Koser and Cannon, individually or in combination, fail to disclose or suggest the specific combination of claim 1. Hence, claim 1 is allowable. Claims 2-14 and 54-67 are allowable, at least by virtue of their dependence from claim 1. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of the above-cited references fail to disclose or suggest when the calling party selected ring tone is not allowed, initiating delivery of a non-custom ring signal to the called party, as in claim 54. As another example, the cited portions of the above-cited references fail to disclose or suggest when the calling party selected ring tone is not allowed, blocking delivery of the custom ring information to the called party, as in claim 55. The cited portions of Koser and Cannon, individually or in combination, fail to disclose these features of claims 54 and 55. For these additional reasons, claims 54 and 55 are allowable.

As a further example, the cited portions of the above-cited references fail to disclose or suggest receiving Caller Identification information associated with a VoIP call and using the Caller Identification information to determine whether a calling party is included in a list of allowed calling parties, as in claim 56. The cited portions of Koser and Cannon, individually or in combination, fail to disclose this feature of claim 56. For this additional reason, claim 56 is allowable.

As another example, the cited portions of the above-cited references fail to disclose or suggest when the calling party selected ring tone includes an advertisement, blocking delivery of the custom ring information to the called party, as in claim 62. The cited portions of Koser and Cannon, individually or in combination, fail to disclose this feature of claim 62. For this additional reason, claim 62 is allowable.

As another example, the cited portions of the above-cited references fail to disclose or suggest determining whether the calling party selected ring tone is allowed includes determining

whether Caller Identification information of the calling party is blocked, as in claim 64. As a further example, the cited portions of the above-cited references fail to disclose or suggest blocking delivery of the custom ring information to the called party when Caller Identification information of the calling party is blocked, as in claim 65. Further, the cited portions of the above-cited references fail to disclose or suggest initiating delivery of a non-custom ring signal to the called party when Caller Identification information of the calling party is not blocked, as in claim 66. The cited portions of Koser and Cannon, individually or in combination, fail to disclose these features of claims 64-66. For these additional reasons, claims 64-66 are allowable.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 18. For example, the cited portions of the above-cited references fail to disclose or suggest a network node operable to determine whether a calling party selected ring tone is allowed and when the calling party selected ring tone is allowed to deliver packetized information representing the calling party selected ring tone to the called party, as in claim 18.

In contrast to claim 18, the cited portions of Koser describe a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring tone information that the FlexRing subscriber has associated with the calling party. *See* Koser, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *See* Koser, paragraph [0117]. Applicants respectfully submit that determining a ring tone that the called party has associated with the calling party is different from determining whether the calling party selected ring tone is allowed, as in claim 18. In Koser, the ring tone is not a calling party selected ring tone. Rather, in Koser, the ring tone associated with the calling party is selected by the called party. Further, in Koser, the called party allows a custom ring tone by associating the custom ring tone with the calling party. Because the ring tone in Koser is selected by the called party, there is no determination whether the ring tone is allowed. Therefore, the cited portions of Koser fail to disclose or suggest a network node operable to determine whether a calling party selected ring tone is allowed and when the calling party selected ring tone is allowed to deliver packetized information representing the calling party selected ring tone to the called party, as in claim 18.

In further contrast to claim 18, the cited portions of Cannon describe a telephone company central office providing call related information regarding the called party back to the calling party from the callee ID telephone using frequency shift keying (FSK). *See* Cannon,

column 4, lines 18-21. The cited portions of Cannon fail to disclose or suggest a network node operable to determine whether a calling party selected ring tone is allowed and when the calling party selected ring tone is allowed to deliver packetized information representing the calling party selected ring tone to the called party, as in claim 18.

Therefore, the cited portions of Koser and Cannon, individually or in combination, fail to disclose or suggest the specific combination of claim 18. Hence, claim 18 is allowable. Claims 19-25 are allowable, at least by virtue of their dependence from claim 18. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of the above-cited references fail to disclose or suggest a custom ring tone block list, where the network node is further operable to block delivery of the calling party selected ring tone when the custom ring tone block list indicates that the called party does not want to receive the calling party selected ring tone, as in claim 23. The cited portions of Koser and Cannon, individually or in combination, fail to disclose this feature of claim 23. For this additional reason, claim 23 is allowable.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 26. For example, the cited portions of the above-cited references fail to disclose or suggest an output engine operable to initiate communication of ring tone information to a called party such that a telephonic device of the called party outputs a calling party selected ring tone to indicate a call when the calling party selected ring tone is allowed, as in claim 26.

In contrast to claim 26, the cited portions of Koser describe a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring tone information that the FlexRing subscriber has associated with the calling party. *See* Koser, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *See* Koser, paragraph [0117]. Applicants respectfully submit that determining a ring tone that the called party has associated with the calling party is different from determining whether the calling party selected ring tone is allowed, as in claim 26. In Koser, the ring tone is not a calling party selected ring tone. Rather, in Koser, the ring tone associated with the calling party is selected by the called party. Further, in Koser, the called party allows a custom ring tone by associating the custom ring tone with the calling party. Because the ring tone in Koser is selected by the called party, there is no determination whether the ring tone is allowed.

Therefore, the cited portions of Koser fail to disclose or suggest an output engine operable to initiate communication of ring tone information to a called party such that a telephonic device of the called party outputs a calling party selected ring tone to indicate a call when the calling party selected ring tone is allowed, as in claim 26.

In further contrast to claim 26, the cited portions of Cannon describe a telephone company central office providing call related information regarding the called party back to the calling party from the callee ID telephone using frequency shift keying (FSK). *See* Cannon, column 4, lines 18-21. The cited portions of Cannon fail to disclose or suggest an output engine operable to initiate communication of ring tone information to a called party such that a telephonic device of the called party outputs a calling party selected ring tone to indicate a call when the calling party selected ring tone is allowed, as in claim 26.

Therefore, the cited portions of Koser and Cannon, individually or in combination, fail to disclose or suggest the specific combination of claim 26. Hence, claim 26 is allowable. Claims 29-30 are allowable, at least by virtue of their dependence from claim 26.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 31. For example, the cited portions of the above-cited references fail to disclose or suggest a computer-readable medium having computer-readable data to determine whether a calling party selected ring tone is allowed, to direct delivery of information to a telephonic device of a called party in a format that allows the telephonic device to output the calling party selected ring tone as an indication of an incoming call when the calling party selected ring tone is allowed, as in claim 31.

In contrast to claim 31, the cited portions of Koser describe a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring tone information that the FlexRing subscriber has associated with the calling party. *See* Koser, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *See* Koser, paragraph [0117]. Applicants respectfully submit that determining a ring tone that the called party has associated with the calling party is different from determining whether the calling party selected ring tone is allowed, as in claim 31. In Koser, the ring tone is not a calling party selected ring tone. Rather, in Koser, the ring tone associated with the calling party is selected by the called party. Further, in Koser, the called party allows a custom ring tone by associating the custom ring tone with the calling party. Because the ring tone in Koser is

selected by the called party, there is no determination whether the ring tone is allowed.

Therefore, the cited portions of Koser fail to disclose or suggest a computer-readable medium having computer-readable data to determine whether a calling party selected ring tone is allowed, to direct delivery of information to a telephonic device of a called party in a format that allows the telephonic device to output the calling party selected ring tone as an indication of an incoming call when the calling party selected ring tone is allowed, as in claim 31.

In further contrast to claim 31, the cited portions of Cannon describe a telephone company central office providing call related information regarding the called party back to the calling party from the callee ID telephone using frequency shift keying (FSK). *See Cannon*, column 4, lines 18-21. The cited portions of Cannon fail to disclose or suggest a computer-readable medium having computer-readable data to determine whether a calling party selected ring tone is allowed, to direct delivery of information to a telephonic device of a called party in a format that allows the telephonic device to output the calling party selected ring tone as an indication of an incoming call when the calling party selected ring tone is allowed, as in claim 31.

Therefore, the cited portions of Koser and Cannon, individually or in combination, fail to disclose or suggest the specific combination of claim 31. Hence, claim 31 is allowable. Claim 32 is allowable, at least by virtue of its dependence from claim 31. Further, claim 32 recites additional elements not disclosed or suggested by the cited portions of the above-cited references. For example, the cited portions of the above-cited references fail to disclose or suggest computer-readable data to block delivery of the information when the calling party selected ring tone is not allowed, as in claim 32. The cited portions of Koser and Cannon, individually or in combination, fail to disclose this feature of claim 32. For this additional reason, claim 32 is allowable.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 33. For example, the cited portions of the above-cited references fail to disclose or suggest determining whether a device of a called party is capable of playing a calling party selected ring tone and when the device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 33.

In contrast to claim 33, the cited portions of Koser describe a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring tone information that the FlexRing subscriber has associated with the calling party. *See* Koser, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *See* Koser, paragraph [0117]. Applicants respectfully submit that determining a ring tone that the called party has associated with the calling party is different from determining whether a device of the called party is capable of playing the calling party selected ring tone, as in claim 33. In Koser, the ring tone is not a calling party selected ring tone. Rather, in Koser, the ring tone associated with the calling party is selected by the called party. Further, in Koser, there is no determination whether the device of the called party is capable of playing the calling party selected ring tone, as in claim 33. Therefore, the cited portions of Koser fail to disclose or suggest determining whether a device of a called party is capable of playing a calling party selected ring tone and when the device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 33.

In further contrast to claim 33, the cited portions of Cannon describe a telephone company central office providing call related information regarding the called party back to the calling party from the callee ID telephone using frequency shift keying (FSK). *See* Cannon, column 4, lines 18-21. The cited portions of Cannon fail to disclose or suggest determining whether a device of a called party is capable of playing a calling party selected ring tone and when the device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 33.

Therefore, the cited portions of Koser and Cannon, individually or in combination, fail to disclose or suggest the specific combination of claim 33. Hence, claim 33 is allowable. Claim 68 is allowable, at least by virtue of its dependence from claim 33. Further, claim 68 recites additional elements not disclosed or suggested by the cited portions of the above-cited references. For example, the cited portions of the above-cited references fail to disclose or suggest when the device of the called party is not capable of playing the calling party selected ring tone, initiating delivery of a non-custom ring signal to the called party, as in claim 68. The cited portions of Koser and Cannon, individually or in combination, fail to disclose this feature of claim 68. For this additional reason, claim 68 is allowable.

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 48. For example, the cited portions of the above-cited references fail to disclose or suggest determining whether a device of a called party is capable of playing a calling party selected ring tone and when the device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 48.

In contrast to claim 48, the cited portions of Koser describe a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring tone information that the FlexRing subscriber has associated with the calling party. *See* Koser, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *See* Koser, paragraph [0117]. Applicants respectfully submit that determining a ring tone that the called party has associated with the calling party is different from determining whether a device of the called party is capable of playing the calling party selected ring tone, as in claim 33. In Koser, the ring tone is not a calling party selected ring tone. Rather, in Koser, the ring tone associated with the calling party is selected by the called party. Further, in Koser, there is no determination whether the device of the called party is capable of playing the calling party selected ring tone, as in claim 48. Therefore, the cited portions of Koser fail to disclose or suggest determining whether a device of a called party is capable of playing a calling party selected ring tone and when the device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 48.

In further contrast to claim 48, the cited portions of Cannon describe a telephone company central office providing call related information regarding the called party back to the calling party from the callee ID telephone using frequency shift keying (FSK). *See* Cannon, column 4, lines 18-21. The cited portions of Cannon fail to disclose or suggest determining whether a device of a called party is capable of playing a calling party selected ring tone and when the device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 48.

Therefore, the cited portions of Koser and Cannon, individually or in combination, fail to disclose or suggest the specific combination of claim 48. Hence, claim 48 is allowable. Claim 69 is allowable, at least by virtue of its dependence from claim 48. Further, claim 69 recites

additional elements not disclosed or suggested by the cited portions of the above-cited references. For example, the cited portions of the above-cited references fail to disclose or suggest when the device of the called party is not capable of playing the calling party selected ring tone, initiating delivery of a non-custom ring signal to the called party, as in claim 69. The cited portions of Koser and Cannon, individually or in combination, fail to disclose this feature of claim 69. For this additional reason, claim 69 is allowable.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date



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